

AO 91 (Rev. 01/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

United States of America )

v. )

Case No: 24-1528 MJ )

Michael Anthony MARTINEZ )

\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of October 20, 2024 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections), an offense described as follows:

engaged in a conspiracy to commit a violation of 8 USC 1324(a)(1)(a)(v)(I) Conspiracy, to wit: 8 USC 1324(a)(1)(a)(ii) Transporting, knowing or in reckless disregard of the fact that, ALIENS, had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

This criminal complaint is based on these facts:

On October 20, 2024, Border Patrol Agent (BPA) was assigned to Zone 15 of the Santa Teresa Border Patrol Station Area of Responsibility (AOR). At approximately 0945 hours Bureau of Land Management Agent, alerted agents in the Zone 15 area, he had a fleeing vehicle on the 429 road north of NM Highway 9 MM 139. BLM Special Agent stated that at approximately 0920 hours, they observed foot sign crossing the U.S./Mexico Boundary Fence towards mile marker 139 on NM Highway 9. BLM Special Agent followed the foot sign to a Ford F250 pickup truck which was located on a small dirt road just north of the highway.

☒ Continued on the attached sheet.


  
\_\_\_\_\_  
*Complainant's signature*

Daniel Calzada, Agent

\_\_\_\_\_  
*Printed name and title*

Sworn to before me and signed in my presence.

*- by telephone. (R)*

Date: October 22, 2024City and state: Las Cruces, N.M.
  
\_\_\_\_\_  
*Judge's signature*

Jerry H. Ritter, U.S. Magistrate Judge

\_\_\_\_\_  
*Printed name and title*

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Michael Anthony MARTINEZ

**Continuation of Statement of Facts:**

BLM Special Agent approached the driver and identified himself and ordered the driver to place his vehicle in park to further question him. At this point in time, the vehicle immediately fled at a high rate of speed. BLM Special Agent noted, that just as the vehicle began to flee, he observed the tarp that was covering the bed of the truck move and observed people attempting to conceal themselves. A small pursuit north bound through the desert ensued, until the Ford F250 became stuck in heavy sand. Once the vehicle came to a complete stop, BLM Special Agent Boone was able to apprehend the driver as well as all 8 subjects hiding in the bed of the truck.

BPA responded to the call out by BLM and arrived at the said location approximately 2 miles north of mile marker 139 on NM Highway 9.

Suspecting a smuggling scheme, BPA identified himself as a Border Patrol Agent to the driver, later identified as Michael Anthony MARTINEZ, and questioned him as to his citizenship. MARTINEZ stated he was a citizen of the United States by virtue of birth. BPA proceeded to question the 8 subjects as to their citizenship, to which they all readily admitted to having just made an illegal entry into the United States and not having nor possessing the proper documentation to be or remain in the United States legally. Furthermore, all 8 subjects admitted to being in the bed of the truck. BPA placed MARTINEZ and the 8 Undocumented Non-Citizens (UNCs) under arrest. All subjects were transported to the Santa Teresa Border Patrol Station for further processing.

**SMUGGLING SCHEME:**

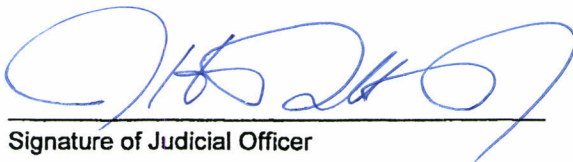

**DRIVER-PRINCIPAL (Micheal Anthony MARTINEZ):**

On October 20, 2024, Border Patrol Agent Vigueria provided MARTINEZ with his Miranda rights, using government form I-214 in the Spanish language, and MARTINEZ, acknowledging that he understood his rights and was not willing to answer questions without the presence of an attorney.

**CONCLUSION**

1. AUSA Sarah Davenport was presented the case for prosecution. The case was accepted based on the aforementioned facts, MARTINEZ will be charged under 8 USC 1324 (Conspiracy and Transport).

**Continuation of Statutory Language:**

  
Signature of Judicial Officer  
Signature of Complainant  
Calzada, Daniel  
Filing Agent